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GIBBONS, GUTMAN
& BONGINI P.L.**
ATTORNEYS AT LAW

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MAY 23 2005

DATE: May 23, 2005
TO: Examiner Kimberly D. Flynn
FIRM: USPTO, Group Art Unit 2153
FAX #: (703) 872-9306
PHONE: (703) 308-7609
FROM: Jon A. Gibbons

**TOTAL NUMBER OF PAGES: 50
(INCLUDING THIS PAGE)**

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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Victor S. MOORE et al.

Serial No.: 09/497,836

For: *USER INPUT BASED ALLOCATION OF BANDWIDTH ON A DATA LINK*

Enclosed are the following:

Transmittal letter (1 pg.); Response Without Amendment (16 pgs.); Previously Submitted Declaration under 37 CFR 1.131 (3 pgs.); Telecopier Transmittal Form (1 pg.); Auto-Reply Facsimile Transmission (1 pg.); Transmission Verification Report (1 pg.); and Previously Submitted Office Action Response dated 10/4/2004 (27 pgs.)

Docket No.: BC9-99-044

120-A99-150

May 23, 2005

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"Focus on IP"

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
 Victor S. MOORE, et al.
 Serial No. 09/497,836
 Filed: February 3, 2000

: Atty. Docket No. BC9-99-044
 : Group Art Unit: 2153
 : Examiner: Kimberly D. Flynn
 : Confirmation No. 7966

For: *USER INPUT BASED ALLOCATION OF BANDWIDTH ON A DATA LINK*

TRANSMITTAL

MAIL STOP AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application.

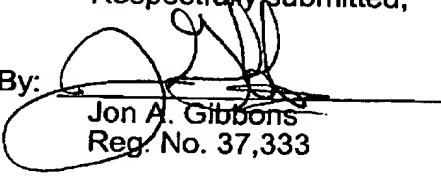
The fee has been calculated as shown below. (*Small entity fees indicated in parentheses.*)

| CLAIMS AS AMENDED | | | | | | |
|---|----------------------------------|--------|------------------------------------|--------------|--------------|---------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | Claims Remaining After Amendment | | Highest Number Previously Paid For | Extra Claims | Rate | Fee |
| Total Claims (Small Entity) | 18 | - | 20 | 0 | 50.00 | 0 |
| Independent claims (Small Entity) | 6 | - | 6 | 0 | (25.00) | |
| Multiple Dependent (Small Entity) | 0 | - | 0 | 0 | 200.00 | 0 |
| | | | | | (100.00) | |
| Extension of Time Fee (Small Entity) | One Month | \$120 | Two Months | \$450 | Three Months | \$1,020 |
| | | (\$60) | | (\$225) | | (\$510) |
| | | | | | | 0 |
| Total | | | | | | \$0.00 |

XX The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 09-0452.

Date: 5/23/05

Customer No. 23334
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Respectfully submitted,
 By: 
 Jon A. Gibbons
 Reg. No. 37,333

Slow File Transfer to Share Network Bandwidth

| | |
|---|----------------------------------|
|  | Disclosure BOC8-1999-0032 |
| Created By: Glen Walters Created On: Last Modified By: Elaine Venturelli Last Modified On: | |
| *** IBM Confidential *** | |

Required fields are marked with the asterisk (*) and must be filled in to complete the form.

Summary

| | |
|------------------------------|---|
| Status | Under Evaluation |
| Processing Location | BOC |
| Functional Area | Telecommunications & Media |
| Attorney/Patent Professional | Richard Tomlin/Boca Raton/IBM |
| IDT Team | Edie Stern/Fort Lauderdale/IBM |
| Submitted Date | |
| Owning Division | NA |
| PVT Score | To calculate a PVT score, use the 'Calculate PVT' button. |

Inventors with Lotus Notes ID's

Inventors: Glen Walters/Fort Lauderdale/IBM

| Inventor Name > denotes primary contact | Inventor Serial | Div/Dept | Manager Serial | Manager Name |
|--|-----------------|----------|----------------|-------------------|
| Glen Walters/Fort Lauderdale/IBM | 561989 | 45000CA | 402512 | Edie Stern, Happy |

Inventors without Lotus Notes ID's**IDT Selection**

| | |
|--|---|
| IDT Team Edie Stern/Fort Lauderdale/IBM | Attorney/Patent Professional Richard Tomlin/Boca Raton/IBM |
|--|---|

| | |
|-----------------------|--|
| Response Due for IP&L | |
|-----------------------|--|

Main Idea

Title of disclosure (in English)
Slow File Transfer to Share Network Bandwidth

| |
|--------------------|
| Idea of disclosure |
|--------------------|

1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

Many applications perform network downloads that are unimportant to the current execution of the program. For example, the IBM Global Network Dialer on each login checks for program and phone-list updates. If a new version is available, the application begins downloading that version. Even though the results of this download won't be used until the next session, the download occurs at the fastest speed possible on that dialup link, resulting in slower network performance on other applications. The end user signed on to the network to run a particular application, and that application's performance is suffering due to a relatively unimportant download using too much of the limited bandwidth.

The solution is to tell the server how fast it should feed the client the download. Without the invention, the server would feed the client as fast as it could keep up, thereby filling the available bandwidth. If the

Slow File Transfer to Share Network Bandwidth

download could be configured to take no more than, say, 25% of the available bandwidth, that would leave a considerable amount available to the applications which are more important to the end user.

2. How does the invention solve the problem or achieve an advantage,(a description of "the invention", including figures inline as appropriate)?

A typical download (taking the form of an HTTP or FTP request) would take place at the fastest rate supported by the interface (e.g. 28.8Kbps). In the present invention, a server entity (HTTP servlet or CGI, specialized FTP server, etc.) would be instructed to never exceed a predetermined data transmission rate (e.g. 7.2Kbps), which may or may not be configurable by the end user. This would free up the remainder of the interface's maximum bandwidth for use by other applications.

3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better?

None known.

4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation.

The prototype for BOC8-1998-0110 (linked here: ) could be used to demonstrate this invention.

Slow File Transfer to Share Network Bandwidth

| | |
|---|----------------------------------|
|  | Disclosure BOC8-1999-0032 |
| Created By: Glen Walters Created On: Last Modified By: Elaine Venturelli Last Modified On: | |
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| Owning Division | NA |
| PVT Score | To calculate a PVT score, use the 'Calculate PVT' button. |

Inventors with Lotus Notes ID's

Inventors: Glen Walters/Fort Lauderdale/IBM

| Inventor Name > denotes primary contact | Inventor Serial | Div/Dept | Manager Serial | Manager Name |
|--|-----------------|----------|----------------|------------------|
| Glen Walters/Fort Lauderdale/IBM | 409780 | 458DOA | 402512 | Deas, H. (Happy) |

Inventors without Lotus Notes ID's**IDT Selection**

| | |
|---|--|
| IDT Team: Edie Stern/Fort Lauderdale/IBM | Attorney/Patent Professional: Richard Tomlin/Boca Raton/IBM |
| Response Due to: IP&L | |

Main Idea***Title of disclosure (in English)**

Slow File Transfer to Share Network Bandwidth

***Idea of disclosure**

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10/04/2004 16:29 561-989-9812

FLEIT KAIN ET AL.

PAGE 01/27

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TELECOPIER TRANSMITTAL FORM

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OCT 04 2004

DATE: October 4, 2004
TO: Examiner Kimberly D. Flynn
FIRM: USPTO, Group Art Unit 2153
FAX #: (703) 872-9306
PHONE: (703) 308-7609
FROM: Jon A. Gibbons

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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Victor S. MOORE et al.

Serial No.: 09/497,836

For: *USER INPUT BASED ALLOCATION OF BANDWIDTH ON A DATA LINK*

Enclosed are the following:

Transmittal letter (1 pg.); Petition for Extension of Time (1 pg.); Response and Amendment (21 pgs.); and 37 CFR 1.131 Declaration with invention disclosure (3 pgs.)

Docket No.: BC9-99-044

120-A99-150

October 4, 2004

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PAGE 1/27 * RCVD AT 10/4/2004 4:32:32 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/1 * DNI:8729306 * CSID:561 989 9812 * DURATION (mm:ss):10-10



Auto-Reply Facsimile Transmission

TO:

Fax Sender at 561 989 9812

Fax Information

Date Received:

10/4/2004 4:32:32 PM [Eastern Daylight Time]

Total Pages:

27 (including cover page)

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Cover
Page
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| | | |
|---|----------------------------|---|
| 10/04/2004 16:29 561-989-9812 | FLEIT KAIN ET AL. | PAGE 61/27 |
| FLEIT, KAIN, GIBBONS, GUTMAN & BONGINI, P.L. ATTORNEYS AT LAW Miami • Fort Lauderdale • Boca Raton | | Fleit, Kain, Gibbons, Gutman, Bergini & Bianco P.L. 2001 First 77th Street, Suite 1111 Boca Raton, Florida 33486 Telephone (561) 989-9812 Facsimile (561) 989-9812 writer's e-mail: gibbons@FocusOnIP.com |
| TELECOPIER TRANSMITTAL FORM | | |
| DATE: | October 4, 2004 | |
| TO: | Examiner Kimberly D. Flynn | |
| FIRM: | USPTO, Group Art Unit 2163 | |
| FAX #: | (703) 372-9306 | |
| PHONE: | (703) 308-7608 | |
| FROM: | Jon A. Gibbons | |
| TOTAL NUMBER OF PAGES: 27 (INCLUDING THIS PAGE) | | |
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| MESSAGE: | | |
| IN THE UNITED STATES PATENT AND TRADEMARK OFFICE | | |
| Applicant(s): Victor S. MOORE et al. Serial No.: 09/497,836 For: <i>USER INPUT BASED ALLOCATION OF BANDWIDTH ON A DATA LINK</i> Enclosed are the following: Transmittal letter (1 pg.); Petition for Extension of Time (1 pg.); Response and Amendment (21 pgs.); and 37 CFR 1.131 Declaration with invention disclosure (3 pgs.) | | |
| Docket No.: BC9-99-044 | 120-A99-150 | October 4, 2004 |
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| <small>"Focus on IP" PAGE 61/27 * RCVD AT 10/04/2005 4:22:27 PM [Eastern Daylight Time] * 37CFR1.8(a) (2) (i) (II) (b) (1) (C) (2) (b) (3) (b) (4) (b) (5) (b) (6) (b) (7) (b) (8) (b) (9) (b) (10) (b) (11) (b) (12) (b) (13) (b) (14) (b) (15) (b) (16) (b) (17) (b) (18) (b) (19) (b) (20) (b) (21) (b) (22) (b) (23) (b) (24) (b) (25) (b) (26) (b) (27) (b) (28) (b) (29) (b) (30) (b) (31) (b) (32) (b) (33) (b) (34) (b) (35) (b) (36) (b) (37) (b) (38) (b) (39) (b) (40) (b) (41) (b) (42) (b) (43) (b) (44) (b) (45) (b) (46) (b) (47) (b) (48) (b) (49) (b) (50) (b) (51) (b) (52) (b) (53) (b) (54) (b) (55) (b) (56) (b) (57) (b) (58) (b) (59) (b) (60) (b) (61) (b) (62) (b) (63) (b) (64) (b) (65) (b) (66) (b) (67) (b) (68) (b) (69) (b) (70) (b) (71) (b) (72) (b) (73) (b) (74) (b) (75) (b) (76) (b) (77) (b) (78) (b) (79) (b) (80) (b) (81) (b) (82) (b) (83) (b) (84) (b) (85) (b) (86) (b) (87) (b) (88) (b) (89) (b) (90) (b) (91) (b) (92) (b) (93) (b) (94) (b) (95) (b) (96) (b) (97) (b) (98) (b) (99) 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(b) (1000) (b)</small> | | |

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TELECOPIER TRANSMITTAL FORM

DATE: October 4, 2004
 TO: Examiner Kimberly D. Flynn
 FIRM: USPTO, Group Art Unit 2153
 FAX #: (703) 872-9306
 PHONE: (703) 308-7609
 FROM: Jon A. Gibbons

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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Victor S. MOORE et al.

Serial No.: 09/497,836

For: *USER INPUT BASED ALLOCATION OF BANDWIDTH ON A DATA LINK*

Enclosed are the following:

Transmittal letter (1 pg.); Petition for Extension of Time (1 pg.); Response and Amendment (21 pgs.); and 37 CFR 1.131 Declaration with invention disclosure (3 pgs.)

Docket No.: BC9-99-044

120-A99-150

October 4, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Atty. Docket No. BC9-99-044
 Victor S. MOORE, et al. : Group Art Unit: 2153
 Serial No. 09/497,836 : Examiner: Kimberly D. Flynn
 Filed: February 3, 2000 : Confirmation No. 7966

For: *USER INPUT BASED ALLOCATION OF BANDWIDTH ON A DATA LINK*

TRANSMITTAL

MAIL STOP AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application, and the following:
 Petition for Extension of Time and 37 CFR 1.131 Declaration (w/invention disclosure)

The fee has been calculated as shown below. (*Small entity fees indicated in parentheses.*)

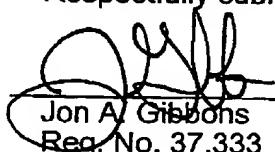
| CLAIMS AS AMENDED | | | | | | |
|---|---|---|---|--------------|---------------|-----------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | Claims Remaining After Amendment | | Highest Number Previously Paid For | Extra Claims | Rate | Fee |
| Total Claims (Small Entity) | <u>18</u> | - | <u>20</u> | <u>0</u> | <u>18.00</u> | <u>0</u> |
| Independent claims (Small Entity) | <u>6</u> | - | <u>6</u> | <u>0</u> | <u>88.00</u> | <u>0</u> |
| Multiple Dependent (Small Entity) | <u>0</u> | - | <u>0</u> | <u>0</u> | <u>300.00</u> | <u>0</u> |
| | | | | | | <u>(150.00)</u> |
| Extension of Time Fee (Small Entity) | One Month <u>\$110</u> <u>(\$55)</u> | Two Months <u>\$430</u> <u>(\$215)</u> | Three Months <u>\$980</u> <u>(\$490)</u> | | | <u>110</u> |
| Total | | | | | | <u>\$110.00</u> |

XX The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 50-1556.

Date: 10/4/04

Respectfully submitted,

By:



Jon A. Gibbons
Reg. No. 37,333

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